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online

ORDINANCE NUMBER 2712

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE INSTALLATION OF A 10-FOOT EXTENTION AND AN ADDITIONAL 3-PANEL CELLULAR ANTENNA SYSTEM ON AN EXISTING COMMUNICATION MONOPOLE, LOCATED BEHIND AN EXISTING RETAIL BUILDING AT 2740 VALWOOD PARKWAY, WITHIN THE LOCAL RETAIL-2 (LR-2) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and the state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for the installation of a 10-foot extension and an additional cellular antenna system on an existing telecommunication monopole, located in a .003 acre lease area (see Exhibit "B") at the rear of an existing building on a 10.5 acre tract at 2740 Valwood Parkway (see Exhibit "A") within the Local Retail-2 (LR-2) zoning district.

SECTION 2. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a specific use permit for a 10-foot monopole extension and cellular communications antenna system situated in accordance with the lease area attached as Exhibit "B" and the approved site plan attached as Exhibit "C" and subject to the following condition:

1. That T-Mobile USA or subsequent owner of the antenna system and equipment building, shall remove the wireless communications antenna, associated equipment building, and all appurtenances within ninety (90) days subsequent to such time that the antenna and equipment building become obsolete and the use is abandoned.

SECTION 3. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

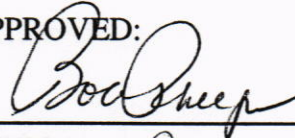
SECTION 5. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

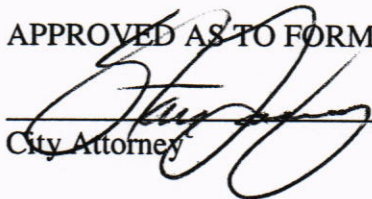
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 7th day of April, 2003.

APPROVED:

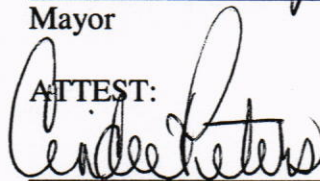


Mayor

APPROVED AS TO FORM:


City Attorney

ATTEST:



City Secretary

[illegible]

EXHIBIT "A"

LEASE AREA

BEING a 0.003 acre (129.00 sq. ft.) tract and being all that certain lot, tract, or parcel of land situated in the Robert J. West Survey, Abstract No. 1576, in the City of Farmers Branch, Dallas County, Texas and being part of a called 10.532 acre tract described as Tract 1 in a deed from Principal Life Insurance Company to Valwood Plaza, LTD. as recorded in Volume 99175, Page 7234, Dallas County Deed Records, and being part of Lot 1, Block A, of the Valwood Village No. 1 Addition according to the plat thereof recorded in Volume 85171, Page 1031, Dallas County Map Records, and being more particularly described as follows;

COMMENCING from a PK nail found at the easterly most southeast corner of said 10.532 acre tract;

THENCE North 90 degrees 00 minutes 00 seconds West a distance of 707.60 feet and North 00 degrees 00 minutes 00 seconds East a distance of 23.56 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 47 minutes 04 seconds West a distance of 15.96 feet to a point, for a corner;

THENCE North 00 degrees 12 minutes 56 seconds West a distance of 8.08 feet to a point, for a corner;

THENCE North 89 degrees 47 minutes 04 seconds East a distance of 15.96 feet to a point, for a corner;

THENCE South 00 degrees 12 minutes 56 seconds East a distance of 8.08 feet to the POINT OF BEGINNING and containing 0.003 acres (129.00 sq. ft.) of land.

EXHIBIT "B"

[illegible]

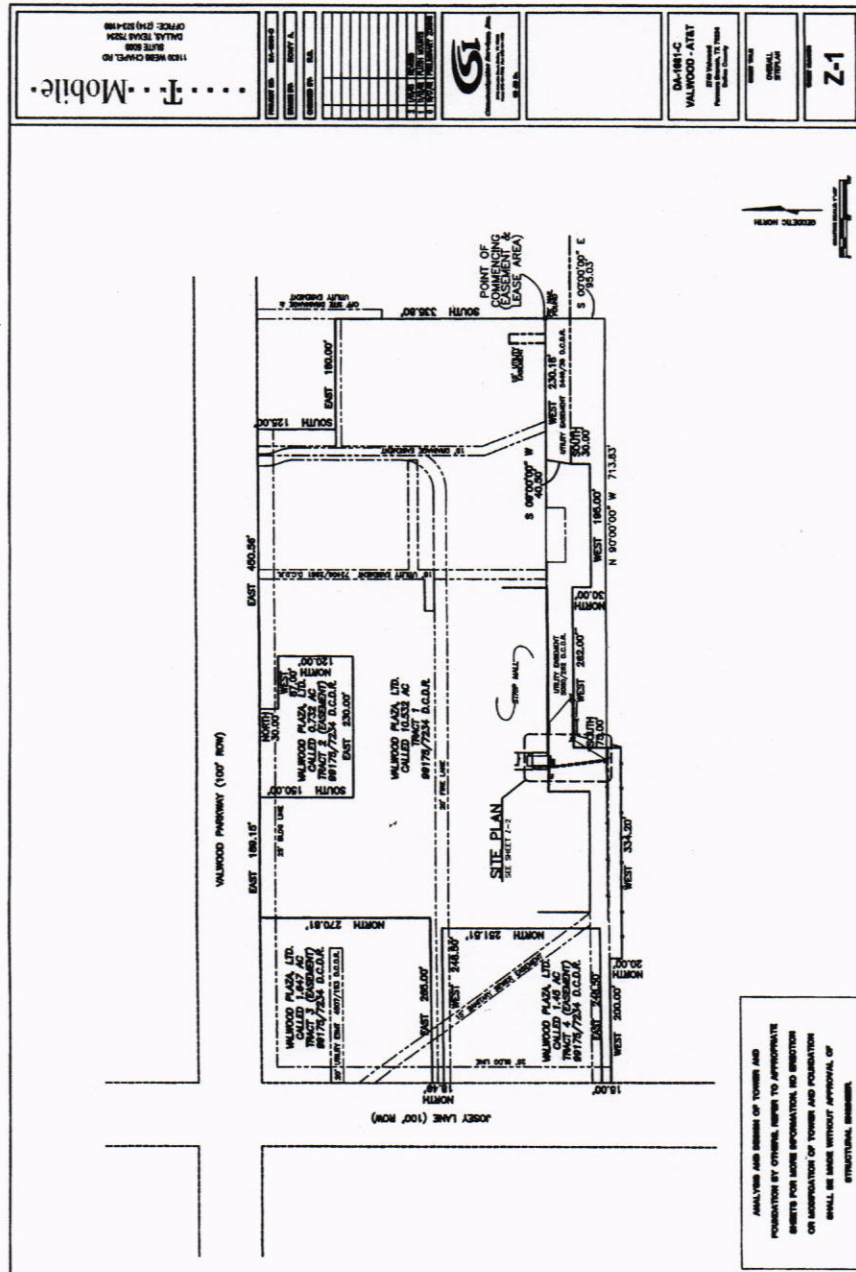


EXHIBIT "C"

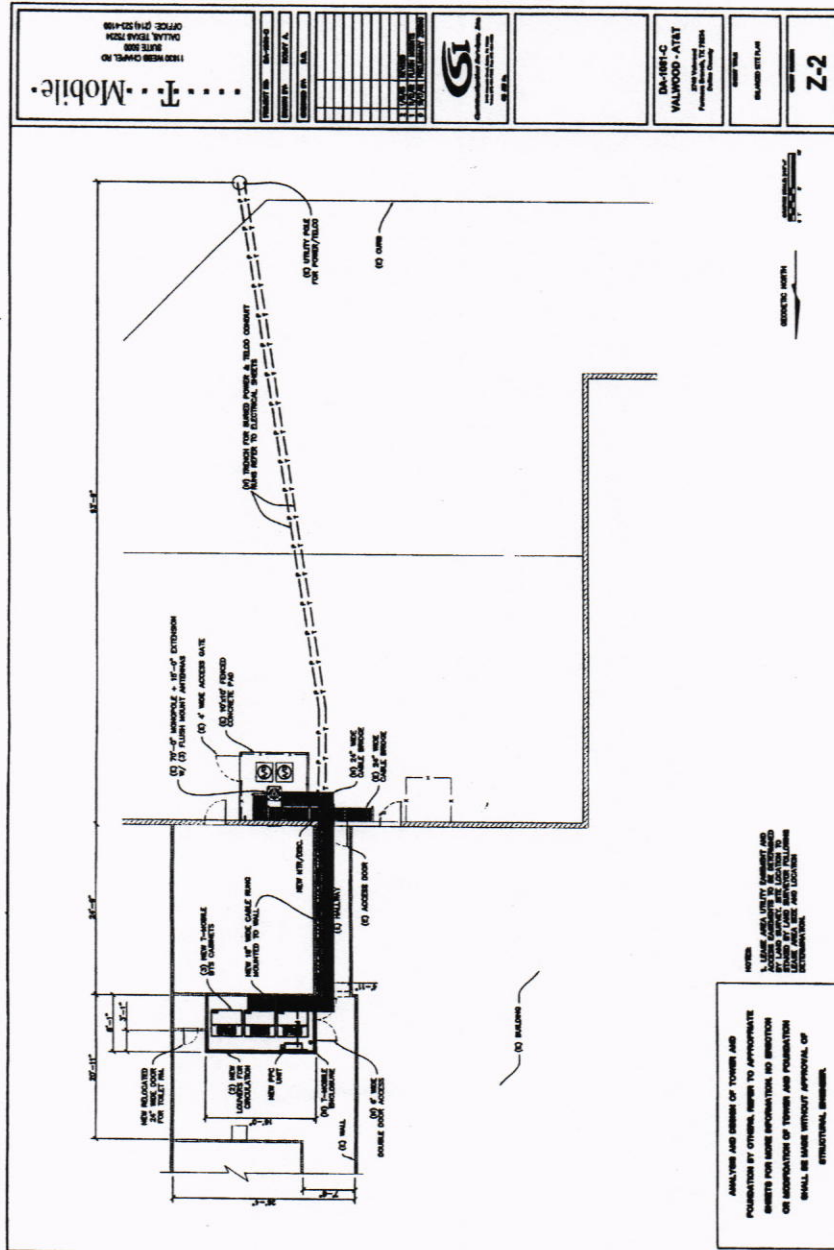


EXHIBIT "C"

